

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED RESOURCE RECOVERY
CORPORATION,

Plaintiff,

-against-

RAMKO VENTURE MANAGEMENT,
INC. and JOHN KOHUT,

Defendants.

RAMKO VENTURE MANAGEMENT,
INC.,

Third-Party Plaintiff,

-against-

CARLOS GUTIERREZ,

Third-Party Defendant.

CIVIL ACTION NO. 07-9452 (RWS)
HON. ROBERT W. SWEET

**NOTICE OF MOTION TO
DISMISS COUNTERCLAIMS
AND THIRD-PARTY
COMPLAINT PURSUANT TO
FED. R. CIV. PROC. 12(C)**

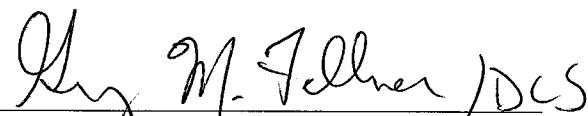
TO: Lloyd S. Clareman, Esq.
Law Offices of Lloyd S. Clareman, P.C.
121 East 61st Street
New York, New York 10065
Attorney for Defendants and Third-Party Plaintiff

PLEASE TAKE NOTICE that, on Wednesday, March 19, 2008, at noon, or as soon thereafter as counsel may be heard, the undersigned, counsel for plaintiff United Resource Recovery Corporation and third-party defendant Carlos Gutierrez, shall apply to the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, for an Order pursuant to Fed. R. Civ. Proc. 12(c) dismissing the Answer with Counterclaims and Third-Party Complaint in whole or in part; and

PLEASE TAKE FURTHER NOTICE that, in support of this motion, plaintiff and third-party defendant shall rely upon the attached Memorandum of Law, the Declaration of Gary M. Fellner, Esq. and exhibits thereto, any reply papers that it shall file and serve upon counsel, and all pleadings and papers on file in the above-captioned matter; and

PLEASE TAKE FURTHER NOTICE that at that time and place aforesaid, plaintiff and third-party defendant will request that the Court enter an Order dismissing the Answer with Counterclaims and Third-Party Complaint in whole or in part.

Dated: January 28, 2008



Gary M. Fellner, Esq. (GMF-7486)
Damian Christian Shammas, Esq. (DCS-6343)
Attorneys for Plaintiff United Resource Recovery Corporation and Third-Party Defendant Carlos Gutierrez

PORZIO, BROMBERG & NEWMAN, P.C.
156 West 56th Street, Suite 1902
New York, New York 10019-3800
Tel: (212) 265-6888
Fax: (212) 957-3983

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the within Notice of Motion and all supporting papers were served on counsel for defendants and third-party plaintiff by send the same via Federal Express Overnight delivery, from Morristown, New Jersey, addressed as follows:

Lloyd S. Clareman, Esq.
Law Offices of Lloyd S. Clareman, P.C.
121 East 61st Street
New York, New York 10065



Damian Christian Shammas (DCS-6343)

Dated: January 28, 2008